

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN O'SHEA, et al.,
Plaintiffs,

v.

24 HOUR FITNESS USA, INC.,
Defendant.

Case No. [16-cv-01668-JSW](#)

ORDER TO SHOW CAUSE RE *PRO HAC VICE* APPLICATION OF RAFEY S. BALABANIAN, ESQ.

Re: Dkt. No. 14

Rafey S. Balabanian, Esq., has filed an application for admission *pro hac vice*. This Court's Civil Local Rule 11-3(b) provides:

Disqualification from *Pro Hac Vice* Appearance. Unless authorized by an Act of Congress or by an order of the assigned judge, an applicant is not eligible for permission to practice *pro hac vice* if the applicant:

- (1) Resides in the State of California; or
- (2) Is regularly engaged in the practice of law in the State of California. This disqualification shall not be applicable if the *pro hac vice* applicant (i) has been a resident of California for less than one year; (ii) has registered with, and completed all required applications for admission to, the State Bar of California; and
- (3) Has officially registered to take or is awaiting his or her results from the California State Bar exam.

N.D. Cal. Civil L.R. 11-3(b).

With regard to Mr. Balabanian's residence, the address of record listed on Mr. Balabanian's *pro hac vice* application is in San Francisco, California. The telephone number of record listed on Mr. Balabanian's application is (415) 212-9300, which is a San Francisco, California number. Additionally, the Court takes judicial notice of the fact that Mr. Balabanian's telephone number listed on his law firm's web page is (415) 234-5342, which is also in San

1 Francisco, California. See <https://www.edelson.com/team/rafey-s-balabanian/>

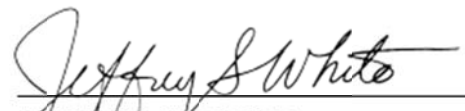
2 With regard to whether Mr. Balabanian is regularly engaged in the practice of law in the
3 State of California, a search of this Court's electronic filing system indicates that Mr. Balabanian
4 is listed as an attorney in fifty cases, including this case, filed in this Court between 2008 and the
5 present. The Court is not aware of whether Mr. Balabanian practices in other federal or state
6 courts in the State of California.

7 Accordingly, Plaintiffs are HEREBY ORDERED TO SHOW CAUSE why the Court
8 should not deny Mr. Balabanian's application for admission *pro hac vice* pursuant to Civil Local
9 Rule 11-3(b). See generally *Ang v. Bimbo Bakeries USA, Inc.*, No. 13-cv-01196-WHO, 2015 WL
10 1474866, ** 2-3 (N.D. Cal. Jan. 14, 2015) (overruling objections to *pro hac vice* application);
11 *Guguni v. Chertoff*, No. C-08-1850 JL, 2008 WL 2080788, * 1 (N.D. Cal. 2008) (vacating order
12 granting application to appear *pro hac vice*).

13 By May 26, 2016, Plaintiffs shall either file a response to this order to show cause or
14 withdraw Mr. Balabanian's *pro hac vice* application. If Plaintiffs elect to file a response to the
15 order to show cause, Defendant may respond to Plaintiffs' filing by June 2, 2016. By June 9,
16 2016, Plaintiffs may file a reply to any response filed by Defendant. The matter shall be submitted
17 upon the filing of Plaintiffs' reply, unless the Court schedules a hearing.

18 **IT IS SO ORDERED.**

19 Dated: May 19, 2016

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22 JEFFREY S. WHITE
23 United States District Judge
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